



CITY OF CASTROVILLE

Little Alsace of Texas

Community Development Department

703 Paris St. Castroville, Tx 78009

(830) 931-4090

permits@castrovilletx.gov

Permit Number: _____

Submittal Date: _____

office use only

Application for Variance

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the timesubmitted.

Name: _____

Mailing Address: _____

Telephone: _____ Email: _____

2. Property Address/Location: _____

3. Legal Description:

Name of Subdivision: _____

Lot(s): _____ Block(s): _____ Acreage: _____

4. Existing Use of Property: _____ Current Zoning: _____

5. The variance(s) requested being more the boards consideration for relief from:

Ordinance Number _____, Article _____, Section _____ to permit

6. The following shall be furnished by the applicant:

- Building plan, sketch, plat, and/or survey as may be required for the purpose of clearly and accurately depicting the type and extent of relief being sought.
- Explanation of hardship, based upon the criteria for granting such a variance. Such criteria is found within the City Code. A letter clearly addressing each of the criteria is required for review of a variance request and must be attached to this application.

The undersigned hereby requests to be granted the variance(s) to the regulations established by the Code of Ordinances of the City of Castroville, TX, of the above described property as indicated.

Owner's Name (Printed)

Phone Number

Email

Signature of Owner

Date

INFORMATION SECTION

Please read the following information regarding Variances prior to submitting an application.

APPLICATION DUE DATE/DATE OF HEARING:

All applications are due by the date on the chart attached. Applications will be reviewed for completeness by Community Development staff.

Any application that is missing information will be considered incomplete and will not be processed.

REQUIRED FEES:

Application Fee	\$200 plus 5% Administrative Fee per Variance Request
Consultant and/or Legal Fee *	Actual Cost plus 5% Administrative Fee
Public Hearing Newspaper Notice*	Actual Cost plus 5% Administrative Fee
Public Hearing Mailed Notifications*	Actual Cost plus 5% Administrative Fee

**Consultant and/or Legal Fee, Public Hearing Newspaper Notice, and Public Hearing Mailed Notifications must be paid at times stated on page 2.*

LETTER OF AUTHORIZATION:

If the applicant is not the property owner, a letter signed by the owner authorizing the applicant to act on their behalf must accompany this application.

LETTER FOR FINDINGS

In order to grant a variance, a letter must be present to provide your rationale for the board or commission granting your variance. The list of issues for each is on the following page.

LEGAL DESCRIPTION:

If the property is unplatted (example of platted property: Lot A, Block 4, ABC Subdivision), a survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries **must** accompany the application.

APPLICATION FOR VARIANCE PROCESS/PROCEDURE:

- Applicant has preliminary conference with a Community Development staff member concerning the request prior to the submittal of the application.
- Applicant completes an application for Variance and submits said application with required attachment(s) and filing fees.

Variances going through Zoning Board of Adjustments – Variances for the Comprehensive Zoning Ordinance

- The City will call a Zoning Board of Adjustments meeting within 30 days of application submittal.
***The Zoning Board of Adjustments meets on a as needed basis and does not have a set schedule.**
- If applicable, the City will publish a notice of public hearing in the City Newspaper at least 15 days prior to the meeting date and mail notices to property owners within a 200-foot radius of the subject property at least 10 days prior to the meeting.
- A public hearing is held before the Zoning Board of Adjustments at which time the board approves or denies the variance. No matter the decision (approval or denial) of the Zoning Board of Adjustments, the application for variance process stops there.

Variances going through the Planning and Zoning Commission – Variances for the Subdivision Ordinance, Signs and Signage Ordinance, Off-Street Parking Ordinance, and Commercial Telecommunications.

- The City will publish a notice of public hearing in the City Newspaper at least 15 days prior to the Planning and Zoning Commission hearing date and mail notices to property owners within a 200-foot radius of the subject property at least 10 days prior to the meeting (If Applicable).
- A public hearing is held before the Planning and Zoning Commission at which time the Commission makes a recommendation to City Council.
- If applicable, the City will publish a notice of public hearing in the City Newspaper at least 15 days prior to the City Council hearing date and mail notices to property owners within a 200-foot radius of the subject property at least 10 days prior to the meeting.
- A public hearing is held before City Council at which time City Council votes to approve or deny the variance
- If the variance request passes, it becomes effective immediately. The applicant will be sent a copy of the Approval Letter signed by the Mayor. If the variance request fails at City Council, it is considered denied at that point.

Zoning Board of Adjustments

7 FACTS OF FINDING

1. That a variance is a means of relief which is available only when some peculiar circumstance as to the size or shape of the parcel of land (and sometimes its location) is such that the literal application of the provisions of the Ordinance would impair the owner's rights to some reasonable use of the property. A variance shall not be granted unless, in the first place, there are such peculiar circumstances.
2. That the circumstances which cause the hardship must be peculiar to the property in question, or to such a small number of properties that they clearly constitute marked exceptions to the property in the neighborhood. If the circumstances cited as a basis for applying for the variance are common to the property in the neighborhood, the variance shall not be granted.
3. That after establishing the peculiar circumstance applying to the property in question, it shall be determined that the variance is required in order to preserve a substantial property right of the petitioner. It is of no moment whatever that the denial of the variance might deny to the property owner some opportunity to use his property in a more profitable way or to sell it at a greater profit than is possible under the terms of the Ordinance. The owner is entitled only to a reasonable use of his property.
4. That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of this Ordinance.
5. That the regulations to which the variance is sought shall be modified as little as possible so that the substantial intent and purpose of the regulations shall be preserved. The granting of the variance should be made subject to such conditions as will constitute to this end.
6. That the variance will not result in substantial detriment to adjacent property nor the surrounding neighborhood, and will not be materially detrimental to the public welfare.
7. The Board shall carefully distinguish between a use change and a variance. A use change shall be subject to the provisions of the Ordinance applicable to a change in Zoning District Classification.

Planning and Zoning Commission

FINDINGS REQUIRED FOR VARIANCES.

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.



CITY OF CASTROVILLE

Little Alsace of Texas

**October 2019 – September 2020
PLANNING AND ZONING COMMISSION MEETING
CALENDAR
Council Chambers
6:30 p.m.**

Meeting Date (Wednesday unless otherwise noted)	Application Submittal Deadline for Plats ^{1&2} Zone Changes ² and SUPs MONDAY by NOON	Administrative Completeness (Rejection Notification) Wednesday by 5:00 p.m.	All Remaining Fees Must be Paid Wednesday by 5:00 p.m.
October 9	Aug. 26, 2019	Aug. 28, 2019	Oct. 2, 2019
November 13	Sept. 30, 2019	Oct. 2, 2019	Nov. 6, 2019
December 11	Oct. 28, 2019	Oct. 30, 2019	Dec. 4, 2019
January 8	Nov. 25, 2019	Nov. 27, 2019	Jan. 2, 2020 (Thu)
February 12	Dec. 30, 2019	Jan. 3, 2020 (Fri)	Feb. 5, 2020
March 11	Jan. 27, 2020	Jan. 29, 2020	March 4, 2020
April 8	Feb. 24, 2020	Feb. 26, 2020	April 1, 2020
May 13	March 30, 2020	April 1, 2020	May 6, 2020
June 10	April 27, 2020	April 29, 2020	June 3, 2020
July 8	May 26, 2020 (Tue)	May 28, 2020 (Thu)	July 1, 2020
August 12	June 29, 2020	July 1, 2020	Aug. 5, 2020
September 9	July 27, 2020	July 29, 2020	Sept. 2, 2020

¹ For purposes of the 30-day deadline for plat approval, the time starts when the Planning and Zoning Commission receives the application, which is not until the day of the meeting regarding that application

² Any applications that need to go before the Zoning Board of Adjustments, must allow an additional 30 days for scheduling